



This instrument was prepared by:

Name: Jeffrey M. Flanagan, Esq.

Address: Carlos Williard & Flanagan, P.A.
999 Ponce de Leon Blvd., Suite 1000
Coral Gables, FL 33134

CFN 2005R0967763
DR Bk 23776 Pgs 1894 - 1899; (6pgs)
RECORDED 09/14/2005 11:50:45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

A/S

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. 04-129 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Haddone Corp., entitled Proposed Subdivision of SW 288th Street and 187th Avenue, Miami, Florida for SW 288 ST., LLC, bearing Job No.: 04174, a copy of which is attached hereto and said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is

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Section-Township-Range:
Folio number:



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recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This

Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

Signed, Sealed and Acknowledged this 26 day of July 2005.

Witnesses:

Print Name:

Amelia B. Grayson

Print Name:

Jeffrey M. Flanagan

S.W. 288 Street, LLC, a Florida Limited Liability Company

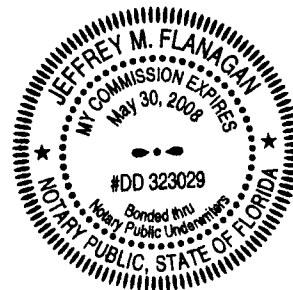
By:

Mark Shakespeare
Print Name: MARK SHAKESPEARE
Title: MGR.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 26 day of July 2005 by Mark F. Shakespeare, as Managing Member of S.W. 288 Street, LLC, a Florida limited liability company, on behalf of said company. He is personally known to me.

Jeffrey M. Flanagan
Notary Public, State of Florida
at Large My Commission Expires:



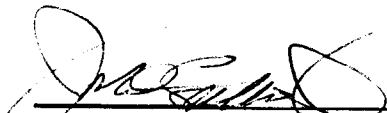
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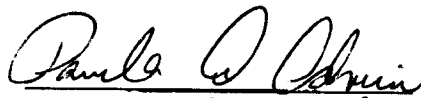
**JOINDER BY MORTGAGEE
TRUSTEE**

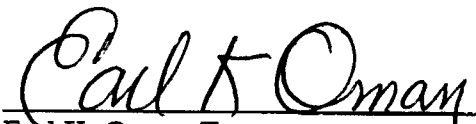
The undersigned, Earl K. Oman, Trustee, Mortgagee under that certain mortgage from S.W. 288 ST., LLC, a Florida limited liability company, dated the 8th day of March 2005, and recorded in Official Records Book 23171, Page 1126, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 27 day of July 2005.

Witnesses:

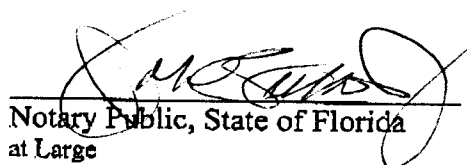

Print Name: JOHN C. SULLIVAN, JR.


Print Name: Pamela A. Azar


Earl K. Oman, Trustee
4626 University Drive
Coral Gables, Florida

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 27 day of July 2005 by Earl K. Oman, Trustee who is personally known to me or who produced _____ as identification.


Notary Public, State of Florida
at Large

My Commission Expires:

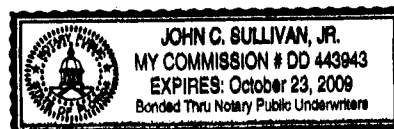
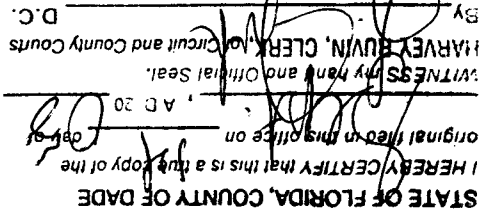


Exhibit "A"

The North $\frac{1}{2}$ of the parcel described as Beginning 466.7 feet West of the Northeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 2, Township 57 South, Range 38 East; thence West 470.1 feet; thence South 930 feet; thence East 470.1 feet; thence North 930 feet to the point of Beginning lying and being in Dade County, Florida.



- | | | | |
|--------|------------------------------|--------|--------------------------|
| SLR | = SET IRON ROD | S.L.R. | = SET IRON ROD |
| CONV. | = CONVEYER | P.O.C. | = POINT OF COMMER-CENTER |
| A/C | = UTILITY POLE | F.M. | = FORMED MAN |
| A.B.L. | = AIR BLOWING | P.T. | = POINT OF TANGENCY |
| W.C. | = AIR CONDITIONING PAD | E.M.C. | = ENCHORDMENT |
| A | = AISC CONNECTION | F.M. | = FIRE HYDRANT |
| B.D. | = BUILDING | F.P. | = FOUND IRON PIPE |
| C.B. | = CATCH BASIN | F.J.R. | = FOUND JOINT ROD |
| C.B.S. | = CONCRETE BLOCK STRUCTURE | L.F.L. | = LOWEST LEVEL ELEVATION |
| O.H. | = CORDON OBSTACLE | L.P. | = LIGHT POLE |
| C.L. | = CLEAR | M. | = MEASURED |
| CL | = CENTER LINE | N | = RECORD |
| CL | = CLEAR | U.W. | = OVERHEAD UTILITY LINE |
| C.O.C. | = CATCH POINT | U | = POINT OF INTERSECTION |
| P.C. | = POINT OF REVERSE CURVE | W | = WIND FENCE |
| P.C. | = POINT OF CURVATURE | W | = CHAIN LINK FENCE |
| P.A.D. | = PAVED | C.B. | = CURB |
| P.C.C. | = POINT OF COMPOUND CURVE | B/C | = BULK CORNER |
| W/L | = WORKMAN LINE | R | = RADIUS |
| A.V.S. | = APPROXIMATE VERTICAL SLOPE | IN | = INCH |
| G.E. | = GROUND ELECTRIC LINE | RES | = RESISTANCE |
| P.B. | = PLAY BOOK | R/W | = RIGHT OF WAY |
| P.E.P. | = PERMANENT CONTROL POINT | SEC. | = SECTION |
| P.O.B. | = POINT OF BEGINNING | S.P. | = SET IRON PIPE |
| P.Y. | = PROPERTY LINE | ST | = STORY |
| A.T.S. | = APPROXIMATE SCALE | S.W. | = SIDEWALK |
| A | = CENTRAL ANGLE | U | = UTILITY EASEMENT |



Since other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map that may be found in the Public Records Miami-Dade County. The Surveyor has no representation as to ownership or possession of the Subject Property by any entity or individual who may appear of public record. No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were noted, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

Well-identified features as depicted on the Survey Map were measured to an estimated horizontal positional accuracy of ± 0 foot.

8. CLIENT INFORMATION:

This Boundary Survey was prepared at the insistence of and certified to:

SW. 288 ST., LLC.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Boundary Survey" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Boundary Survey" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 61G17-5 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

HADONNE corp., a Florida corporation
Florida Certificate of Authorization Number LB7097

By: Abraham Haded
Registered Surveyor and Mapper LS6006
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

SURVEYOR'S NOTES

1. The date of completion of original field Survey was on February, 14, 2003.

2. LEGAL DESCRIPTION:

The North one half of the parcel described as Beginning 466.7 feet West of the Northeast Corner of the Northeast one quarter of the Southeast one quarter of the Section two, Township Fifty Seven and Range Thirty Eight, thence West 470.1 feet; thence South 930 feet; thence East 470.1 feet; thence North 930 feet, to the portion of Beginning, lying and being in Dade County, Florida.

Containing 218,596 square feet 5.02 (Gross Area) acres more or less by calculations.

Property Address: SW. 288th Street and SW. 187th Avenue, Miami
Florida.
Folio No.: 30-7802-000-0362

3. ACCURACY:

The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement.

4. SOURCES OF DATA:

North arrow direction is based on an assumed Meridian.

Bearings as shown hereon are based upon the North property line with an assumed bearing of S 89°23'22" W, said line to be considered a well monumented line.

This property appears to be located in Flood Zone X, as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120635, Map No. 0365, Suffix J, Effective Date: July 17, 1995.

Legal Description furnished by client.

PROPOSED SUBDIVISION
of
SW. 288th STREET AND SW. 187th AVENUE, MIAMI FLORIDA
for
SW. 288 ST., LLC.



HADONNE
PROFESSIONAL LAND SURVEYORS AND MAPPERS
13370 SW. 131st STREET SUITE 103, MIAMI FL. 33186
Phone: 305 266 1188 Fax: 305 207 6845

Job No.: 04174
Field Book: 031-20
DRAWN BY: AM
CHECKED BY: AH
1/1

DR BK 23776 PG 1899
LAST PAGE

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and an inducement for acceptance of a proposed final subdivision plat, covering the real property, hereinafter described, it is hereby certified that I have examined a Attorney's Title Insurance Fund, Inc. Owner's policy Number OPM-2139660 with an Effective Date of December 1, 2002 at 11:00 PM and a computerized update issued by Attorney's Title Insurance Fund, Inc. certified through June 27, 2005 at 11:00 PM, covering the period of time from the BEGINNING to the 27th day of June 2005 at the hour of 11:00 PM, inclusive, of the following described property:

The North ½ of the parcel described as Beginning 466.7 feet West of the Northeast corner of the Northeast ¼ of the Southeast ¼ of Section 2, Township 57 South, Range 38 East; thence West 470.1 feet; thence South 930 feet; thence East 470.1 feet; thence North 930 feet to the point of Beginning lying and being in Dade County, Florida.

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

S.W. 288 ST., LLC, a Florida limited liability company

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**

That certain Mortgage given by S.W. 288 ST., LLC, a Florida limited liability company to Earl K. Oman, Trustee, dated March 8, 2005 and recorded March 16, 2005 in Official Records Book 23171, Page 1126 of the Public records of Miami-Dade County, Florida.

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

None.

3. **GENERAL EXCEPTIONS:**

1. Taxes for the year of the effective date of this opinion and taxes or special assessments which are not shown as existing liens by the public records.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

4. **SPECIAL EXCEPTIONS:**

1. Ordinance No. 83-24, recorded in Official Records Book 11781, Page 1422, re-recorded in Official Records Book 12046, Page 481 of the Public Records of Miami-Dade County, Florida.
2. Easement Agreement dated October 18, 2002, recorded November 23, 2002 in Official Records Book 20825, Page 4112 of the Public Records of Miami-Dade County, Florida.

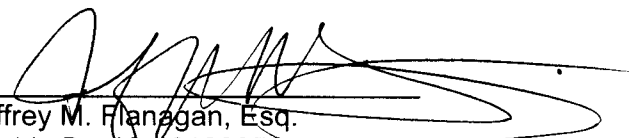
I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, based solely on a review of the foregoing title evidence, I certify that the following parties are the only parties holding record fee to the Property or holding a mortgage interest in the Property of record:

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
S.W. 288 ST., LLC	Fee Simple Owner	N/A
Earl K. Oman, Trustee	Mortgagee	

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 26 day of July 2005


Jeffrey M. Flanagan, Esq.
Florida Bar No. 0123358
999 Ponce de Leon Blvd.
Suite 1000
Coral Gables, Florida 33134

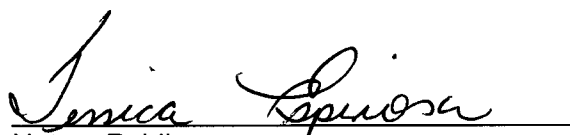
**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this 26 day of July 2005, by Jeffrey M. Flanagan, who is personally known to me.

My Commission Expires:



Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161


Notary Public